

STATE OF INDIANA)
) SS: IN THE DELAWARE CIRCUIT COURT
COUNTY OF DELAWARE)

2006 TERM

Local Rule: LR18-AR02-DLR-0603

Local Rules Regarding Public Defender Fees/Secretarial Fees

Local Rule 10-2003 shall be null and void at the signing of this Local Rule along with Local

Rule 12-99

The following local rule for payment of services rendered by public defenders and special public defenders for the preparation of appeals and for indigent representation, is now adopted by the undersigned judges of the Delaware County Circuit Court, revoking any and all local rules regarding public defender and secretarial fees:

Section I
Public Defender Fees
In and Out of Court Time

(1) In-Court time for special public defenders, the amount of Sixty Dollars (\$60.00) per hour. Supporting documentation required.

(2) Out-of-Court time for special public defenders, the amount of Fifty Dollars (\$50.00) per hour. Supporting documentation required.

Murder Cases

In addition to the annual salary of a public defender and in order to fairly compensate counsel for all preparation and actual days spent in trial, the following fees will be approved:

(1) Trial of one week or less, up to \$4,000.00 as additional compensation for lead counsel. Co-counsel will be compensated up to \$2,500.00.

(2) Trial of two weeks or less, up to \$5,000.00 as additional compensation for lead counsel. Co-counsel will be compensated up to \$3,000.00.

(3) Trial of up to three weeks or less, up to \$6,000.00 as additional compensation for lead counsel. Co-counsel will be compensated up to \$3,500.00.

A trial attorney fee ordered paid pursuant to this schedule would be in addition to any appropriate attorney fee paid to prosecute an indigent appeal. Petition for Attorney Fees shall have attached thereto **an itemized** Bill of Particulars.

Capital Murder Cases

(1) Compensation will be paid pursuant to applicable rule or statute and by contract with designated attorney.

Class A Felony Trials

Class A felony cases resulting in trial and presented by a public defender may be additionally compensated up to \$4,000.00. A request for payment together with an itemized Bill of Particulars should be submitted to the presiding judge of the Delaware County Circuit Court. The presiding judge will recommend to the trial judge of the case an appropriate fee.

Investigator Fees Murder Cases

On a case-by-case review, the undersigned reserve the right to grant additional investigator fees to public defender investigators in murder cases.

Section II **Public Defender Fees** **Appellate Procedure**

(1) The fee for an appeal from a trial before the court or by jury in felony cases shall be set at Two Thousand Five Hundred Dollars (\$2,500.00). This includes fees for all work from the Notice of Appeal through any Petition to Transfer.

(2) The fee for an appeal from a sentencing or revocation hearing in felony cases shall be set at One Thousand Dollars (\$1,000.00).

(3) The fee for an appeal from a trial or any proceeding shall be set at Seven Hundred and Fifty Dollars (\$750.00) on misdemeanor cases. This includes fees for all work from the Notice of Appeal through any Petition to Transfer.

(4) The fee for filing an appellee's brief in a case where the State has filed the appeal shall be set at Seven Hundred and Fifty Dollars (\$750.00).

Section III **Secretarial Fees**

Appellate Work: Due to the increase in appellate fees, secretarial fees for appellate work will no longer be paid by the Delaware County Circuit Court. Public Defenders will be required to contract those services privately. Public Defender secretaries employed by the county may be hired by a public defender to perform those tasks; however preparation of the same *shall not* be performed during regular work hours or with county property, including typing, binding, reviewing, copying or other functions related to the compilation of the appeal.

Claims

If the attorney desires claims to be paid to the law firm, he or she will need to inquire of that possibility through the Auditor of Delaware County.

All of Which is So Ordered this 23rd day of August, 2006.

Signed Signatures of:

Marianne Vorhees, Judge
Delaware Circuit Court No. 1

Richard A. Dailey, Judge
Delaware Circuit Court No. 2

Robert L. Barnet, Judge
Delaware Circuit Court No. 3

John M. Feick, Judge
Delaware Circuit Court No. 4

Wayne J. Lennington, Judge
Delaware Circuit Court No. 5

STATE OF INDIANA)
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COUNTY OF DELAWARE)

IN THE DELAWARE CIRCUIT COURT
2006 TERM

**Order Deviating from Schedule Established by the
Indiana Supreme Court**

In Re: Local Rule: LR18-AR02-DLR-0603

The Judges of Delaware Circuit Court have forwarded to the Supreme Court amendments to the local rules governing the regulation of public defender fees and public defender secretarial services for appellate work. Such amendments for the Delaware Circuit Court are set forth as an attachment to this Order.

The Judges of Delaware Circuit Court find that pursuant to Trial Rule 81(D) good cause exists to deviate from the schedule established by the Delaware Circuit Court for the adoption of the local rules amendment, whereby:

It has become necessary to modify and change the fees for Public Defenders and Secretarial Fees for Appellate services for the reason that it would be in the best interest of the courts' operating expenses to discontinue and rescind Local Rule 10-2003 and Rule 12-99.

Further, the judges have found it necessary to terminate the practice of payment to secretaries for appellate work and transfer the responsibility to the attorneys perfecting the appeal.

The Clerk of Delaware County shall post this rule in its office and on its website for a period of thirty (30) days commencing as directed on August 23, 2006. Local Rules 12-99 and 10-2003 previously adopted are Repealed.

All of Which is So Ordered this _____day of August, 2006.

DELAWARE COUNTY BOARD OF JUDGES

Marianne Vorhees, Judge
Delaware Circuit Court No. 1

Richard A. Dailey, Judge
Delaware Circuit Court No. 2

Robert L. Barnet, Judge
Delaware Circuit Court No. 3

John M. Feick, Judge
Delaware Circuit Court No. 4

Wayne J. Lennington, Presiding Judge
Delaware Circuit Court No. 5